

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ORLEAN E. NEWBY, M.D.,

Plaintiff,

v.

Civil Action No. 3:14v459

BON SECOURS ST. FRANCIS
FAMILY MEDICINE RESIDENCY
PROGRAM, et al.,

Defendants.

ORDER

By Order entered herein on August 28, 2014, DEFENDANTS AGBEIBOR AND JACKSON'S MOTION TO DISMISS COUNTS VI AND VII OF PLAINTIFF'S COMPLAINT (Docket No. 8) was referred to Magistrate Judge David J. Novak for report and recommendation.

Having reviewed the REPORT AND RECOMMENDATION (Docket No. 24) entered herein on September 22, 2014, PLAINTIFF'S OBJECTIONS TO REPORT AND RECOMMENDATION (Docket No. 28), DEFENDANTS VICTOR AGEIBOR AND PUAL JACKSON'S RESPONSE TO PLAINTIFF'S OBJECTIONS TO REPORT AND RECOMMENDATION (Docket No. 29) and having considered the record and the REPORT AND RECOMMENDATION and finding no error therein, it is hereby ORDERED that:

(1) PLAINTIFF'S OBJECTIONS TO REPORT AND RECOMMENDATION (Docket No. 28) are overruled;

(2) The REPORT AND RECOMMENDATION is ADOPTED on the basis of the reasoning of the REPORT AND RECOMMENDATION; and

(3) DEFENDANTS AGBEIBOR AND JACKSON'S MOTION TO DISMISS COUNTS VI AND VII OF PLAINTIFF'S COMPLAINT (Docket No. 8) is granted and accordingly, Counts VI and VII are hereby dismissed.

The issues are adequately addressed by the briefs and oral argument would not materially aid the decisional process.

The Clerk is directed to send a copy of this Order to the plaintiff and to counsel of record.

It is so ORDERED.

/s/ *REP*

Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: October 27, 2014